



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VALLAIR SOLUTIONS SARL

Plaintiff,

- against -

321 PRECISION CONVERSIONS LLC

Defendant.  
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21-CV-7507 (CM) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves the letter motion of non-parties ATSG and CAM to quash the deposition subpoenas served by Vallair on them and on Mr. Hete, identified as Chairman of ATSG's Board of Directors, and Mr. Corrado, identified as ATSG's President and CEO. See Dkt. 113. Defendant 321 Precision Conversions joins in the non-parties' motion to quash. See Dkt. 117.

The non-parties object in part because of the short time frame provided by the notices of deposition. As Vallair has indicated, the dates noticed were placeholders and subject to rescheduling upon further discussion and agreement. In any event, the dates at issue, March 7-10, 2022, have passed, and the short notice issue is moot.

The non-parties also object on the basis that their depositions should await completion of party discovery and, with respect to Mssrs. Hete and Corrado, that they are high-level executives who do not necessarily have information that cannot be obtained from other persons. Vallair counters that there is no requirement to defer non-party depositions until completion of party depositions and that Mssrs. Hete and Corrado were personally involved in relevant pricing negotiations. See Dkt. 115. That said, Vallair favors deferring the depositions until after completion of relevant document discovery.

While depositions of non-parties sometimes are deferred until after party depositions, there is no rule that requires doing so. Whether to do so depends on the circumstances of the case at hand. In this instance, and in light of the conference previously held in regard to document discovery from ATSG and CAM, the Court rules as follows: The depositions of ATSG and CAM may be scheduled to take place before completion of party depositions; the depositions of Mssrs. Hete and Corrado, however, absent agreement otherwise, must await until completion of depositions of Precision and its employees and officers, ATSG (30b6), and CAM (30b6), as those depositions may obviate the need for the depositions of Mssrs. Hete and Corrado. The parties shall meet and confer to arrange mutually convenient dates for depositions.

The Clerk of Court is respectfully requested to terminate the motions at Dkts. 113 and 115.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: March 10, 2023  
New York, New York

Copies transmitted this date to all counsel of record.